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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/737,316

12/16/2003

Raymond R. Hornback JR.

IBM-007

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EXAMINER

LIU, LIN

ART UNIT

PAPER NUMBER

2445

MAIL DATE

DELIVERY MODE

04/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/737,316	Applicant(s) HORNBACK ET AL.	
	Examiner LIN LIU	Art Unit 2445	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 15-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is responsive to communications filed on 01/26/2009.
2. Claims 1-9 and 15-17 are pending and have been examined.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/26/2009 has been entered.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, 9 and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by **Chang et al. (Patent no.: US 6,556,724 B1)**.

With respect to **claim 1**, Chang teaches a method for configuring and dynamically adapting an application sharing system comprising a plurality of computers in communication over a network, one of the computers having a plurality of system components and sharing an application with at least one other computer over the network, one of the system components adapted to provide feedback to the shared application, the method comprising:

determining a preference for the shared application (Chang: fig. 4 & 5, col. 9, lines 45-50, noted that the participating clients calculate the necessary transform data for the shared image);

monitoring by the one of the computers a feedback generated by the one of the system components, said feedback indicating the performance of the component relative to the determined preference (Chang: fig. 5, col. 9, lines 50-60, noted that the image server 220 transmits the requested transform data at the designated coefficient coordinates to the participating client); and

configuring the one of the system components in response to the determined preference and the monitored feedback, said configuring comprising adjusting an algorithm used to implement the system component (Chang: col. 10, lines 30-35, noted that the image collaboration system adjust the coefficient coordinates at the same level as the host image).

With respect to **claim 2**, Chang teaches the method of claim 1 wherein the system component comprises one of a compression algorithm, a change detection algorithm, a screen capture device and a data transport type (Chang: col. 9, lines 45-61, note the image resolution compression).

With respect to **claim 3**, Chang teaches the method of claim 1 wherein the preference is a user preference (Chang: col. 9, lines 45-61).

With respect to **claim 4**, Chang teaches the method of claim 3 wherein the user preference defines at least one of an image quality and a latency (Chang: col. 9, lines 45-61, note the image resolution compression).

With respect to **claim 5**, Chang teaches the method of claim 3 wherein the user preference defines at least one of a CPU usage and a fidelity (Chang: col. 9, lines 45-61).

With respect to **claim 9**, Chang teaches the method of claim 1 further comprising selecting the preference for the shared application (Chang: col. 13, lines 10-20).

With respect to **claims 15-16** the limitations of these claims are substantially the same as those in claims 1-2. Therefore the same rationale for rejecting claims 1-2 is used to reject claims 15-16. By this rationale **claims 15-16** are rejected.

6. Claims 6-8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Chang et al. (Patent no.: US 6,556,724 B1)** in view of **Boston et al. (Publication no.: US 2004/0101272 A1)**.

With respect to **claim 6**, Chang teaches all of the claimed limitations, except that he does not explicitly teach a method of allowing an administrator to set the administrator preference.

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In the same field of endeavor, Boston teaches a method of allowing an administrator to set the administrator preference (Boston page 4, paragraph 36, noted the administrative user can edit the privilege levels and profiles of other users.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of allowing an administrator to set the administrative preference as taught by Boston in the Chang's invention with motivation being that it provides administrator the privilege in editing the profiles of other users (Boston page 4, paragraphs 36 and 38).

With respect to **claim 7**, Chang teaches all of the claimed limitations, except that he does not explicitly teach a maximum data rate.

In the same field of endeavor, Boston teaches a data rate that each channel can support (Boston, page 9, paragraph 0079).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the use of the data rate transmission as taught by Boston in Chang's invention as the condition in limiting the selection of the user's preference in selecting the images. The motivation to combine this feature is to prevent the over use of bandwidth by all the users simultaneously.

With respect to **claim 8**, Chang teaches a method of limiting the selection of a user preference according to an image compression type (Chang: Col. 9,

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lines 45-61). However, they do not explicitly teach a method of allowing an administrator to set the administrative preference in limiting the selection.

In the same field of endeavor, Boston teaches a method of allowing an administrator to set the administrator preference (Boston page 4, paragraph 36, noted the administrative user can edit the privilege levels and profiles of other users.).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the method of allowing an administrator to set the administrative preference as taught by Boston to limit the selection of user preference in the Chang's invention with motivation being that it provides administrator the privilege in editing the profiles of other users (Boston page 4, paragraphs 36 and 38).

With respect to **claim 17** the limitations of this claim are substantially the same as those in claim 6. Therefore the same rationale for rejecting claim 6 is used to reject claim 17. By this rationale **claim 17** is rejected.

Response to Arguments

7. Applicant's arguments with respect to claims 1-9 and 15-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIN LIU whose telephone number is

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(571)270-1447. The examiner can normally be reached on Monday - Friday,
7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the
examiner's supervisor, Glenton B. Burgess can be reached on (571)-272-3949.
The fax phone number for the organization where this application or proceeding
is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from
the Patent Application Information Retrieval (PAIR) system. Status information
for published applications may be obtained from either Private PAIR or Public
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free). If you would like assistance from a USPTO Customer Service
Representative or access to the automated information system, call 800-786-
9199 (IN USA OR CANADA) or 571-272-1000.

/Lin Liu/
Examiner, Art Unit 2445

/Patrice Winder/
Primary Examiner, Art Unit 2445